

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

AMY TODD,

Plaintiff,

vs.

TRADER JOE’S EAST INC.,

Defendant.

Cause No. 1:20-CV-2573

***COMPLAINT FOR DAMAGES, INJUNCTIVE RELIEF  
and REQUEST FOR TRIAL BY JURY***

Comes now the Plaintiff, Amy Todd (hereinafter “Todd”), by counsel, and files her Complaint against the Defendant, Trader Joe’s East Inc., (hereinafter “Trader Joe’s”) for violations of the Equal Pay Act, 29 USC § 206(d). Todd works for Trader Joe’s in Indianapolis, Indiana as a “Merchant” and is paid on an hourly basis. Todd has learned that, as a female working as an hourly employee for Trader Joe’s, she has been, and is, being paid significantly less than male counterparts at Trader Joe’s performing the exact same work under the exact same circumstances.

***I. FACTUAL ALLEGATIONS***

1. Todd is a resident of Indianapolis, Marion County, Indiana.
2. Trader Joe’s owns and operates a grocery store located in Indianapolis, Marion County, Indiana.
3. Todd is employed, since 2001, by Trader Joe’s, and currently works in the position of Merchant. Throughout the three-year period immediately preceding the filing of this

Complaint, Todd has worked at Trader Joe's store located at 2902 W 86<sup>th</sup> Street, Indianapolis, Indiana ("Trader Joe's West 86<sup>th</sup> Street Location").

4. Todd is a part of a group of Trader Joe's employees who work as Merchants at Trader Joe's West 86<sup>th</sup> Street Location, and who are paid on an hourly basis. Both men and women hold, or have held, the title of Merchant.

5. Todd is currently, and has been in the past, paid an hourly rate by Trader Joe's, that is significantly less than male employees of Trader Joe's West 86<sup>th</sup> Street Location working as Merchants.

6. The comparator employees of Trader Joe's West 86<sup>th</sup> Street Location working as Merchants, are performing the same work as Todd, and have comparable educational training and work experience to Todd.

7. There is no distinction or justifiable basis for the pay discrepancy between male and female Merchants at the Trader Joe's West 86<sup>th</sup> Street Location.

8. Every relevant comparison between the work of Todd and male Merchants shows that males were paid significantly more than Todd for equal work, based upon the equal skill, experience and qualifications, and under equal conditions. Trader Joe's had and has no justifiable basis to pay its male Merchants more than it pays Todd.

9. Todd is seeking all available damages, including injunctive and equitable relief, compensatory damages, all unpaid wages and benefits, and liquidated damages. Todd is seeking payment of all of her reasonable attorneys' fees, costs and expenses.

10. Trader Joe's has intentionally, knowingly, and willfully violated Todd's right to equal pay and compensation, to equal employment opportunity, and to equal treatment.

## ***II. JURISDICTION AND VENUE***

11. This Court has jurisdiction over Todd's claim under 28 U.S.C. §1331, as her Equal Pay Act claims raise questions of Federal law under 29 U.S.C. § 206(d).

12. This Court is the appropriate venue for this cause of action, as Todd resides and works for Trader Joe's in Marion County, Indiana.

## ***III. EQUAL PAY ACT CLAIM***

13. Todd incorporates herein by reference paragraphs 1 through 12 above.

14. Trader Joe's is an "enterprise" as that term is defined by the Fair Labor Standards Act, covered by the Equal Pay Act provisions of the Fair Labor Standards Act, at 29 U.S.C. § 206(d). See 29 U.S.C. § 203(s)(1). Further, Trader Joe's is an "employer" as that term is defined under the FLSA at 29 U.S.C. § 203(d).

15. By paying Todd less than similarly situated male counterparts for equal and/or substantially similar work, Trader Joe's has discriminated against Todd in pay on the basis of gender. This is a violation of the Equal Pay Act provisions of the Fair Labor Standards Act.

16. Trader Joe's failure to comply with the FLSA's Equal Pay Act provisions is willful and without justification, and subjects Trader Joe's to a three year statute of limitations.

17. Todd seeks all available damages, including unpaid wages, underpaid wages, liquidated damages, injunctive relief, payment of reasonable attorney's fees, costs and expenses, and any and all other damages to which she may be entitled for Trader Joe's violations of the Equal Pay Act provisions of the Fair Labor Standards Act. Prospectively, Todd wants her hourly rate of pay increased so that she is paid the same as male counterparts.

#### **IV. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, Amy Todd, requests that the Court enter judgment in her favor against Defendant, Trader Joe's East Inc., and award to Plaintiff all available damages and equitable relief, including, but not limited to, all back pay and benefits, all front pay and benefits, unpaid or underpaid wages and benefits, liquidated damages, and payment of all her reasonable attorney fees, costs and expenses, along with any other damages or relief necessary to remedy Trader Joe's violation of Amy Todd's rights under the Equal Pay Act, 29 U.S.C. § 206(d), together with any available pre-judgment interest, and any other relief which would be just and proper in the premises.

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#### ***REQUEST FOR TRIAL BY JURY***

The Plaintiff, Amy Todd, by counsel, requests a trial by jury on all issues which may be tried to a jury.

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